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KAISER FOUNDATION HEALTH PLAN, INC.,  
KAISER FOUNDATION HOSPITALS, and  
THE PERMANENTE MEDICAL GROUP, INC.

[Plaintiffs' Counsel listed on next page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRENDA HILL, MEDHANIE  
BERNE, PATSY HARDY,  
MICHELLE MIKE, EVELYN  
JENNINGS and RENA  
HARRISON, on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH  
PLAN, INC.; KAISER  
FOUNDATION HOSPITALS,  
INC.; and THE PERMANENTE  
MEDICAL GROUP, all doing  
business as KAISER  
PERMANENTE MEDICAL CARE  
PROGRAM,

Defendants.

Case No. CV 10 2833-RS

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
RESCHEDULING CASE MANAGEMENT  
CONFERENCE**

Judge: Hon. Richard Seeborg  
Department: Courtroom 3, 17th Floor

Complaint Filed: June 28, 2010

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23 BRENDA HILL, MEDHANIE BERNE,  
24 PATSY HARDY, MICHELLE MIKE,  
25 EVELYN JENNINGS and RENA HARRISON,  
26 on behalf of themselves and all others similarly situated  
27  
28

1 IT IS HEREBY STIPULATED by and among the Plaintiffs, Brenda Hill,  
2 Medhanie Berne, Patsy Hardy, Michelle Mike, Evelyn Jennings and Rena Harrison (hereinafter  
3 “Plaintiffs”), by and through their counsel of record, Jeremy L. Friedman, Gordon W. Renneisen  
4 of Cornerstone Law Group, and Kendra L. Tanacea of Law Offices of Kendra L. Tanacea, and  
5 Defendants Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, and The  
6 Permanente Medical Group, Inc. (hereinafter “Defendants”), by and through their counsel of  
7 record, Nancy L. Abell and Heather A. Morgan of Paul Hastings LLP, as set forth below.

8 WHEREAS:

9 1. In accordance with the Court’s Order of August 1, 2011, Plaintiffs filed a  
10 Second Amended Complaint on September 8, 2011,

11 2. Defendants timely filed a Motion to Dismiss Plaintiffs’ Second Amended  
12 Complaint or, in the Alternative, to Strike and for a More Definite Statement (the “Motion to  
13 Dismiss” or the “Motion”). Defendants’ Motion in part seeks an order dismissing all class  
14 allegations set forth in the Second Amended Complaint or, in the alternative, requiring Plaintiffs  
15 to provide a more definite, narrower class definition

16 3. Plaintiffs oppose Defendants’ Motion to Dismiss and the Motion has been  
17 fully briefed. It is set for hearing on December 1, 2011.

18 4. A Case Management Conference currently is set for December 15, 2011.  
19 By December 1, 2011, the parties are to file an updated Joint Case Management Statement,  
20 together with a proposed, comprehensive, pre-class-certification discovery schedule (including  
21 any proposals re limitations or modifications of discovery rules) and a proposed briefing and  
22 hearing schedule for the motion for class certification

23 5. Under the current schedule, the parties would have to prepare the Joint  
24 Case Management Statement and proposed, pre-class-certification discovery schedule before  
25 arguing the Motion to Dismiss or receiving the Court’s ruling on it.

26 6. The parties have concluded that it would not be practicable to prepare a  
27 comprehensive, pre-class-certification discovery schedule or a proposed briefing and hearing  
28 schedule for the motion for class certification until after the Court has ruled on the Motion to

1 Dismiss and the parties know whether (a) the case will be litigated based on the class definition  
2 set forth in the Second Amended Complaint, (b) the Court will grant Defendants' motion to  
3 dismiss all class allegations set forth in the Second Amended Complaint, or (c) the Court will  
4 grant Defendants' alternative motion for an order requiring Plaintiffs to provide a more definite,  
5 narrower class definition.

6 7. Although the parties have exchanged Rule 26 disclosures and an initial  
7 round of discovery responses, it would not be practicable to conduct depositions or a new round  
8 of written discovery relating to class certification issues before the Court rules on the Motion to  
9 Dismiss. The Court's August 1, 2011 Order in part provides: "The parties will not proceed with  
10 any further discovery until the earlier of . . . the date that the Court rules on a motion filed by  
11 Defendants in response to any Second Amended Complaint filed by Plaintiffs, or . . . the date that  
12 Defendants file an answer."

13 THEREFORE, THE PARTIES HEREBY STIPULATE, AND JOINTLY  
14 REQUEST THE COURT TO ORDER THAT:


15 1. The Case Management Conference currently set for December 15, 2011  
16 will be rescheduled for February 2, 2012.

17 2. The parties will have until January 19, 2012 to file an updated Joint Case  
18 Management Statement, together with a proposed, comprehensive, pre-class-certification  
19 discovery schedule (including any proposals re limitations or modifications of discovery rules)  
20 and a proposed briefing and hearing schedule for the motion for class certification.

21  
22 **ORDER**

23  
24 IT IS SO ORDERED.

25  
26 Dated: 11/22/11

27   
28 HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

1 Dated: November 22, 2011

2 Respectfully Submitted By:

3 NANCY L. ABELL  
4 HEATHER A. MORGAN  
5 PAUL HASTINGS LLP

6 By: /s/ Nancy L. Abell  
NANCY L. ABELL

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9 KAISER FOUNDATION HOSPITALS, and  
THE PERMANENTE MEDICAL GROUP, INC.

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15 By: /s/ Gordon W. Renneisen  
16 GORDON W. RENNEISEN

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19 PATSY HARDY, MICHELLE MIKE,  
EVELYN JENNINGS and RENA HARRISON  
on behalf of themselves and all others similarly situated

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